

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DONTAE GALLOWAY,

Defendant.

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Case No. 6:17-CV-03401-MDH

ORDER

Before the Court is the Government's Motion for Conditional Release. (Doc. 19). Pursuant to the governing law and in accordance with Local Rule 72.1 of the United States District Court for the Western District of Missouri, the government's motion was referred to the United States Magistrate Judge for preliminary review under 28 U.S.C. § 636(b). The Magistrate Judge conducted a hearing on November 19, 2019, and submitted a report and recommendation to the undersigned. (Doc. 22). Defendant has agreed to waive the statutory 14 day waiting period in which to file exceptions. *Id.* Therefore, the matter is ripe for review.

After a review of the record before the Court, the Court agrees with the report and recommendation issued by the United States Magistrate Judge and finds by a preponderance of evidence that Defendant has recovered from his mental disease or defect to such an extent that his conditional release under a prescribed regimen of medical, psychiatric, or psychological care or treatment would no longer create a substantial risk of bodily injury to another person or serious damage to property of another, and in accordance with such it is hereby **ORDERED** that the report and recommendation (Doc. 22) of the United States Magistrate Judge is **ADOPTED** and that the government's Motion for Conditional Release (Doc. 19) is **GRANTED**.

IT IS FURTHER ORDERED that Defendant be, and is hereby, conditionally released pursuant to Title 18 U.S.C. § 4246(e) under the following conditions:

1. That he reside at 705 SW Ranch Oak Blvd., Lawton, OK 73501. He shall remain at said residence at the direction of the U.S. Probation Officer. Any change from this residence shall be approved by the U.S. Probation Office in advance.
2. That he be supervised by U.S. Probation and follow all instructions given by the supervising Probation Officer.
3. That he actively participates in, and cooperate with, a regimen of mental health care and psychiatric aftercare as directed by the U.S. Probation Officer and administered by the treating mental health provider. This is to include his voluntary admission to an inpatient facility for stabilization should it be deemed necessary. He shall follow all the rules, regulations and instructions of the treatment staff and comply with the treatment regimen recommended.
4. That he continue to take such medication, including injectable units, as shall be prescribed for him by the medical provider.
5. That he waive his rights to confidentiality regarding his mental health treatment in order to allow sharing of information with the supervising U.S. Probation Officer and other mental health treatment providers, who will assist in evaluating his ongoing appropriateness for community placement.
6. That he refrain from the use of alcohol and illegal drug usage, as well as the abuse of over-the-counter medications, and submit to random urinalysis testing as warranted by treating mental health staff and/or the probation officer. This also includes participating in substance abuse treatment as deemed necessary.

7. That he not have in his possession at any time actual or imitation firearms or other deadly weapons and he may not write, say or communicate threats. He shall submit to a warrantless search on request of his U.S. Probation Officer or any law enforcement officer of his person or property for the purpose of determining compliance with this provision and shall permit confiscation of any such contraband.
8. Annual reports will be written by the U.S. Probation Office regarding the status of Mr. Galloway' conditional release. The report should be submitted to the Legal Department at USMCFP Springfield, Missouri, for filing with the court.

IT IS SO ORDERED.

DATED: November 20, 2019

/s/ Douglas Harpool
DOUGLAS HARPOOL
UNITED STATES DISTRICT JUDGE